



**LOCAL 29, NATIONAL LABOR RELATIONS  
BOARD UNION**  
TWO METRO TECH CENTER SUITE 5100  
BROOKLYN, NY 11201

Dear Member of the Board:

In response to your request for information regarding the 2014 Election Rules, Local 29 solicited responses from its members. These members are not speaking in their official capacity, but offer these comments as members of their labor organization, based on their experience processing petitions for NLRB elections and their concern about the consequences of making any wholesale change in the rules. Their comments are set forth below, and are offered anonymously.

**Comment 1:**

In many ways, the new rules have allowed for more efficient processing, as parties are required to submit dates for elections and positions ahead of time, giving Board Agents more information upfront. Furthermore, the right of employees to vote as to whether they do or do not want to have a majority representative is enforced without delay. This facilitation of the employees' expression of choice is made without hindering the due process rights of the parties involved, as matters of dispute, if raised in a timely matter before hand, can be addressed even after an election has been conducted. For these reasons, and to better ensure the public's faith in our institution, I strongly feel that the new rules should be maintained.

**Comment 2:**

I believe that the 2014 Election Rule should be retained without change. When the rule originally went into effect, I was concerned that it would put an undue pressure on Board Agents to work quickly at the expense of a proper and well-reasoned result. Since then, however, the Regions have adapted to the rule and been able to work efficiently and productively to schedule and conduct elections in appropriate units. I think further changes would be unnecessarily disruptive and confusing.

**Comment 3:**

Minor modifications of the R Case rules could be helpful. For example, the rule that post hearing cases should go to hearing within 21 days of election is not helpful because it gives the Regions less flexibility. The Regions send these cases to hearing as fast as possible, but with this new rule the Regions end up sending objections to hearing because there is not time sufficient time to overrule them which leads to needless litigation.



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The rule that the offer of proof be submitted with the objections, however, is very helpful and should be maintained. As a practical matter, the objecting party should have its proof ready at the same time and it is very helpful to expedite the cases.

Thank you.

**Comment 4**

I think the 2014 rule has been working out and should remain unchanged.

**Comment 5**

I think the 2014 election rules should be retained without change. Based on my experience handling many representation cases, the rules (such as the statement of position requirement) are very helpful in defining the issues to be examined in a pre-election hearing, and in excluding or postponing issues that need not be resolved. Additionally, in my experience, the expedited time frame has always been sufficient to resolve pre-election issues. Overall, the rules have reduced the amount of time and resources that the NLRB spends on processing representation cases, resulting in greater efficiency.

Sincerely,

Local 29, NLRBU